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MORECOCK, TALBERT & WOODWARD, P.C.**

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December 3, 2024

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ROBERT E. RULOFF  
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JEFFREY T. TALBERT  
LAWRENCE H. WOODWARD, JR.

OF COUNSEL  
EDWIN J. RAFAL

Re: 38-696-01

VIA U.S. MAIL & EMAIL: Malinda.R.Lawrence@usdoj.gov

Malinda R. Lawrence, Esq.  
United States Department of Justice  
Civil Division, Torts Branch  
P.O. Box 14271  
Washington, DC 20044-4271

Re: Douglas I. Hornsby, Administrator of the  
Estate of Cynthia Gary v. USA, et al

Dear Malinda:

I have enclosed Plaintiff's Mandatory Disclosure of Expert Testimony in the  
referenced matter.

Thank you.

Very truly yours,

  
for:  
Andrew M. Hendrick, Esq.

AMH:klt

Enclosure

cc: Garry D. Hartlieb, Esq.  
Lynn K. Brugh, IV, Esq.  
Jennifer L. Eaton, Esq.

Exhibit C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**DOUGLAS I. HORNSBY, Administrator  
of the Estate of CYNTHIA GARY,**

**Plaintiff,**

**v.**

**CASE NO. 2:22-cv-427**

**UNITED STATES OF AMERICA,**

**Defendant and Third-Party Plaintiff,**

**v.**

**METRO MACHINE CORP., d/b/a  
GENERAL DYNAMICS NASSCO - Norfolk,**

**and**

**ADVANCED INTEGRATED TECHNOLOGIES, LLC,**

**Third Party Defendants.**

**PLAINTIFF'S MANDATORY DISCLOSURE  
OF EXPERT TESTIMONY**

COMES NOW the Plaintiff, by counsel, and for his disclosure of expert testimony states  
as follows:

It is anticipated that the Plaintiff will call the following expert witnesses to testify at the  
trial of this matter:

**CHESTER D. RUDOLF, III, P.E.  
3100 SHORE DRIVE, APT. 953  
VIRGINIA BEACH, VA 23451]**

Mr. Rudolf will testify in accordance with the attached report dated November 28, 2024.

Also attached is a copy of Mr. Rudolf's curriculum vitae and fee schedule. Mr. Rudolf has not

provided testimony in the last four years at either a deposition or a trial. He has been compensated \$12,862.00 to date for his services.

**JEROME S. PAIGE, Ph.D.  
TD&P CONSULTING, INC.  
8403 COLESVILLE ROAD  
SILVER SPRING, MD 20910**

Dr. Paige will testify in accordance with the attached report dated April 29, 2024. Also attached is a copy of his curriculum vitae, a listing of the cases in which he has provided testimony during the last four years, and fee schedule. He has been compensated \$11,096.00 to date for his services.

In addition to the Plaintiff's retained experts, Plaintiff anticipates calling:

**NICOLE MAISIAN, M.D.  
ASSISTANT CHIEF MEDICAL EXAMINER  
830 SOUTHAMPTON AVENUE, SUITE 100  
NORFOLK, VA**

Dr. Maisian will testify consistent with her amended autopsy report dated March 7, 2023, a copy of which is attached hereto.

**DOUGLAS I. HORNSBY, Administrator  
of the Estate of CYNTHIA GARY**

By



Of Counsel

Robert J. Haddad, Esq. (VSB No. 22298)  
Andrew M. Hendrick, Esq. (VSB No. 42852)  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was transmitted electronically and mailed, first-class, postage prepaid, this 3rd day of December, 2024 to the following:

Malinda R. Lawrence, Esq.  
United States Department of Justice  
Civil Division, Torts Branch  
Aviation, Space & Admiralty Litigation  
175 N Street, NE, 8<sup>th</sup> Floor  
Washington, DC 20002  
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[jirvin@williamsmullen.com](mailto:jirvin@williamsmullen.com)  
*Counsel for Metro Machine Corp. d/b/a General Dynamics NASSCO-Norfolk*

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[Jennifer.Eaton@wrvblaw.com](mailto:Jennifer.Eaton@wrvblaw.com)  
*Counsel for Advanced Integrated Technologies, LLC*



Andrew M. Hendrick, Esq.

Chester D Rudolf III, P.E.  
3100 Shore Dr. Apt 953  
Virginia Beach, VA 23451

**Expert Report for. Andrew M. Hendrick, Esq.**  
**RULOFF, SWAIN, HADDAD,**  
**MORECOCK, TALBERT & WOODWARD, P.C.**

Date: November 28th, 2024

RE: ***DOUGLAS I. Hornsby, Administrator of the Estate of CYNTHIA GARY v. United States of America et. al***

**I. Introduction and Personal Background**

I have been retained as an expert witness in the subject case. As a matter of background, I have three educational degrees, a Bachelor of Science in Mechanical Engineering from the University of Wisconsin, a Master of Science in Mechanical Engineering and a Masters in Financial Management from the U.S. Naval Postgraduate School. For 50 years I have been a Professional Engineer registered in the State of California. My career spans 59 years, 20 of which were as an engineer officer in the U.S. Navy, which included Main Propulsion Assistant on the destroyer USS Mullany (DD 528), Chief Engineer of the Missile Destroyer USS Conyngham (DD 17), and Chief Engineer of the aircraft carrier USS Independence (CV 62). In my shipboard tours I was instrumental in training and execution of tagout procedures for mechanical, electrical and pneumatic systems. My shore duty tours included that of material inspector of destroyer engineering plants for the Commander Naval Surface Forces Atlantic Fleet. In addition to my extensive education and on-the-job training I attended the Senior Officers Material Course, Nuclear Training Site, Idaho Falls, Idaho

Following my Navy career, I was employed by the Port of Virginia for 20 years, 17 of which were as the Director of Engineering and Maintenance for Virginia International Terminals (VIT), the operating company for the Port of Virginia. I have considerable experience with the maintenance, inspection operation, procurement, commissioning, repair, and testing of ship-to-shore container cranes, their controls, and component parts. I have an understanding of electrical distribution systems, pneumatics, and control systems.

Following retirement from VIT, I have been an independent consultant in the Marine Industry and have represented several ports as well as various manufacturers. My consulting career includes acting as an expert witness in multiple cases involving various engineering and control equipment and systems. My duties as an expert witness have also included testifying in litigation, however, I have not testified within the last 4 years.

My fee for services rendered in the above-referenced case is \$325 per hour.

A copy of my curriculum vitae is attached hereto as Exhibit 1.

## **II. Information Reviewed**

For purposes of my analysis, I have examined and reviewed numerous discovery documents provided to me by Mr. Andrew Hendrick, Esq. of the firm of Ruloff, Swain, Haddad, Morecock, Talbert & Woodward, P.C. Any available documents that I requested in this case were provided to me. The following were of particular interest to me in the course of my analysis:

1. Complaint in the case of the Estate of Cynthia Gary v United States et. Al.
2. Case document production US000001-000001600
3. Tech Manual for Moisture Separator/Blow-Panel Set S9234-GA-GTP-20, Revision 4 and 5;
4. Depositions of LCDR Getty, GSMCS Goff, and GSMC Preetam, plus exhibits.
5. Commanding Officer, Naval Surface Warfare Center, Philadelphia Division Letter of March 7, 2024, with Enclosure, Review of Detente Action Rotary Switch on DDG-51 Class Blow-in Door Controller Panel D510-S0009-1 (NSN 5930-01-336-9963), including the references
6. U. S. naval Criminal Investigative Service Report of October 7<sup>th</sup>, 2021
7. U. S. naval Criminal Investigative Service Report of September 16<sup>th</sup>, 2021
8. U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) Violation Worksheet of September 30<sup>th</sup>, 2021, and walkaround notes of various dates immediately following the accident.

9. Tag-Out User's Manual, NAVSEA 0400-AD-URM-010 Revision 8 dated 28 Oct 2020
10. General Gas Turbine Bulletin (GGTB) #28 Revision 2 dated April 30, 2018, promulgated by Naval Surface Warfare center Philadelphia Division, Subject: Blow-In Door Gasket Replacement DDG 51 Class
11. Naval Surface Warfare Center Philadelphia Division DDG 51 Advisory for Situational Awareness and Guidance on Operation of Blow-in Door Controller Panel dated 3/7/2024
12. Videos from inspection of USS McFaul

### III. Background

- Gas turbines which power vessels of the McFaul class vessels their associated gas turbine generators (known as SSTG's) require clean dry air for operation and are hence equipped with moisture separator/Blow-in panels which remove moisture and salt from the outside air prior to combustion. Some of the panels are mounted on doors, which, when opened, allow the flow of air for turbine combustion to be maintained should the separator become clogged and air flow reduced.



Figure 1. Blow-in Door Panel from Outside

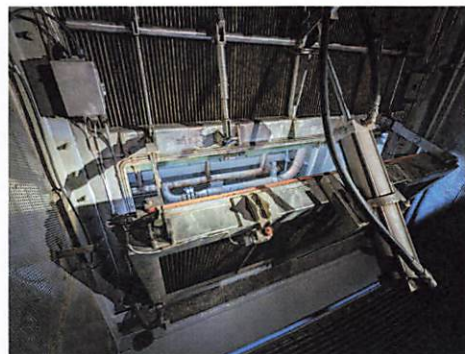


Figure 2. Blow-in Door from Inside

Figure 1 is a photo of the outside of the Blow-in panel or BID also known as the "dirty" side of the combustion air intake. Figure 2 is a photo of the inside of the BID also known as the "clean" side. The door/panel opens only about 35 degrees. The BID opening has been used, as in this case, as a convenient access for welding and miscellaneous supply for work in the uptake passages.

- The moisture separator door opening is an automatic system and in normal operation the door(s) is closed. When reduced air flow to the SSGTG is sensed the door opens



automatically and stays open until normal air flow can be restored. There may be times when the automatic door function needs to be overridden. This can be done at the door control station located in the appropriate engine room. Figure 3 is a photo of the control station for #2 SSTG in the Engine Room #2.



Figure 3. Blow-In Control Panel for #2 SSGTG

By placing the lower left rotary switch, shown in Figure 3, in the AUTO position the operator permits the BID to open automatically whenever differential pressure exceeds allowable limits. This is the normal operating position. *(For safety purposes, to keep the switch from being inadvertently turned, the switch was designed to only be turned by first pressing it inward slightly before actuation.)* By placing the switch in the OPEN position the automatic function is bypassed and the door held open regardless of the differential pressure until the switch is turned to CLOSE. I have shown in Figure 4 a rough schematic of the system functioning.

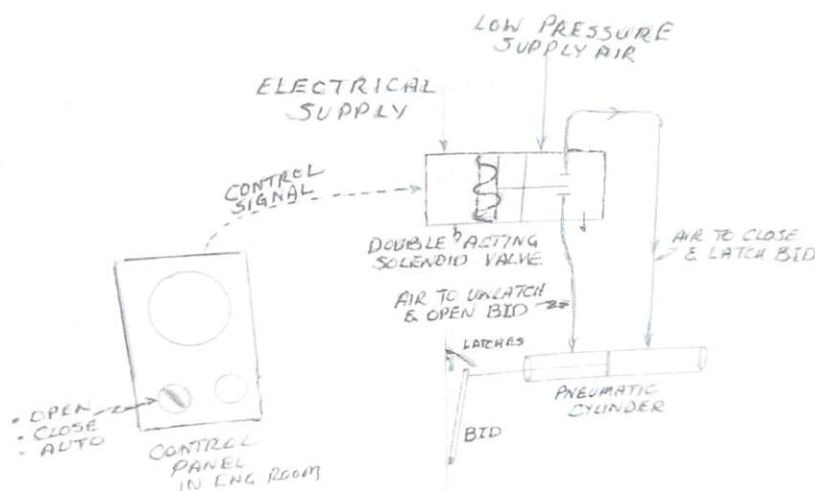


Figure 4. BID Control System Schematic



The control switch provides a signal to a solenoid actuating valve which allows air pressure to open and close the door through a pneumatic cylinder which can be seen in the Figure 2 photo.

- At the time of the accident USS McFaul was undergoing a repair availability at NASSCO Norfolk. For this type of availability the work items to be accomplished are determined well in advance with the assistance of the Type Commander. The repair activity is then contracted to do the actual work. During the availability the repair activity (RA) submits Work Authorization Forms (WAF) to the ship's force notifying them of the timing and nature of a specific job and recommends certain systems be tagged out to safely accomplish the work. The tagout is the responsibility of ship's force with review and approval of the repair activity.

**IV. Inspection.** In addition to my review of the documents and exhibits listed above, on February 9, 2023, I, along with attorneys Mr. Robert Haddad and Mr. Andrew Hendrick, conducted a site inspection of the USS McFaul (DDG-74). This inspection included #2 Engine room, #2 SSGTG, and the associated Blow-in door and control panel for #2 SSGTG. The BID was operated for us to witness the opening and closing from both the clean and dirty sides.

**V. Facts Evident From Review of the Documents in item II.**

- On the day of the accident USS McFaul (DDG 74) was undergoing a repair availability at NASSCO Norfolk.
- The accident occurred at the #2 SSGTG BID on March 15, 2021. Ms. Cynthia Gary was on duty for a subcontractor and was posted as a fire watch for hot work being performed by Coastal Mechanical Systems on the "clean" side of the uptakes for SSGTG #2. She had been stationed on the "dirty side to carry out her watch.
- According to his deposition, GSCS Goff went to the scene of the accident when he heard the notice over the announcing system. After working to free Ms. Gary and once the medical corpsman was on site, he went immediately to the #2 engine room to check the controller, Figure 3. He stated that the switch was set at the closed position and looked like it had been slightly bent. He noticed a danger tag in place on the switch selector.
- GSCS Goff also mentioned in his deposition that he was not aware that the push-to-turn function of the control station selector switch was not working properly until it was checked after the accident. He mentioned that the switch was able to turn without depressing it first.
- Following the accident Ship's Force tested the BID for designed opening and closing operation March 17, 2012, and found it to be operating properly from the control station. However, during that test, the ships' force personnel claimed that the door could not be opened or closed manually even though GSCS Goff said that he could easily close the door if air pressure to the solenoid valve was secured.
- An OSHA report noted that the push-to-turn function on the selector switch for open/close/auto operation was not functioning.

- A review of the NavSea Tagout manual. Document item II. 9, documents the following inter alia:
  - 1.3.1a The Commanding Officer is responsible for the safety of the entire command...
  - 1.3.1b The Authorizing Officer shall supervise the tagout log....
  - 1.3.1d Ship's Force is responsible for ensuring the adequacy and accuracy of all tag-outs, including those proposed by the repair activity (RA)
  - 1.3.3a (3) The RA is responsible for ensuring the accuracy and adequacy of tag-outs before signing the **Repair Activity Rep** block of the tag. This review shall ensure that enough tags are used to completely isolate the system, piping, or circuit being worked on to prevent operation of a system or component from all stations that could exercise control.
  - 1.6 ....as a minimum, system diagrams or circuit schematics shall be used by preparers and reviewers to determine the adequacy of all tag-out actions.
- There had been a tag (2020-009908) posted on the selection switch on the BID control station in the open position. This was noted in Getty Deposition Exhibit 2. The repair activity witness block on the tag was blank.
- Two previous WAF's, 0271 and 0273 had been submitted by the RA coordinator to the ship on January 29, 2021, which requested that the BID be tagged out in the open position. On March 11, 2021, the EM02 (Engine room #2) workstation audit indicated that the tag was still in place.
- In Preetam Deposition exhibit 5, OSHA noted that based on the WAF (to perform hot work in the SSGTG #2 uptakes) Coastal Mechanical Systems was aware of the blow-in door work and hazards. It further stated that a No Tagout Required (NTR) was indicated on the WAF to Coastal Marine Systems because the door was already tagged out for AIT Marine (gasket replacement).
- There was no record that there was any posting of warning or sign noting for anyone near the dirty side of the BID that there was a hazard associated with the BID opening or closing.
- The Chief Engineer stated in his deposition that the closing of the BID at the time of the accident could not have been accomplished at the BID location but must have been done in the engine room.
- In her deposition GSNC Preetam stated:
  - She had worked on BID's primarily using the Planned Maintenance System (PMS) on both the USS McFaul and the USS Mason, ships of the same class.

- She was the authorizing officer for some, but not all, of the tagouts associated with these checks.
- Although the OSHA report mentioned that the BID's were her responsibility. she stated that the tag-out requested prior to the accident was not typical of tag-outs she authorized. She claimed that for most of the BID maintenance the control switch was tagged out "closed".
- She recalled that this may have been the first time she was asked to tagout the doors in the "open" position so she decided it would be best to leave air pressure on the system to have the pneumatics hold the door open while work for the contractors was being conducted. This is despite the fact she was the authorizing officer for both WAF 271 and 273 which the RA requested doors be tagged out in the open position.
- She claimed that the PMS card prescribed the steps to be taken to tag the door in the open position.
- She claimed that disconnecting the LP air from the system would have resulted in the door closing.

## **VI. Analysis**

- It wasn't necessary for the for the system to be energized to keep the BID held in the open position as specified by Ms. Preetam. Furthermore, disconnecting the LP air with the controller set to "open" would not result in the BID actually closing. The safe process to prevent inadvertent closing of the BID should have been:
  - With the system energized set the selector switch on the control panel to "open".
  - Then remove LP air and tag-out the LP air supply valve closed. The door should still be open.
  - The BID control switch should then be tagged out open.
- For the BID to have powered to the closed position there had to have been electrical power and air pressure to the solenoid actuator plus a control signal from the controller to the solenoid. See Figure 4.
- There was no mention in the depositions that system diagrams or circuit schematics were required by the RA and Ship's force to determine the adequacy of tag-out actions as specified by the Tag-out manual. The only person in either Ship's Force or the RA that seemed to know what would happen if air or electric power to the solenoid actuator was removed was GSCS Goff yet he stated he was not involved in the tagout process for any of the WAFs requiring the door to be tagged out in the open position.
- Several Documents require that all energy sources be isolated when tagging out a system such as a blow-in door.

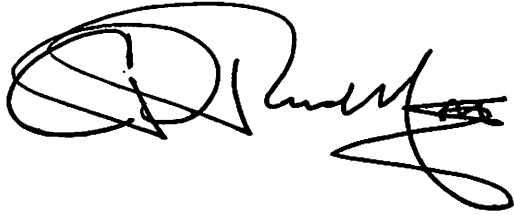


- NavSea Tagout Manual item II #9 above.
- Maintenance Requirement Cards MRC's) in Maintenance Index page 2513 which Ms. Preetam alleged to refer to in the tag-out
- General Gas Turbine Advisory item II #10 above
- Situational Advisory item II #11 above

## **VII. Conclusions**

- The OSHA report cited that the selector switch on the control panel was broken. Naval Surface Warfare Philadelphia Division mentions in its advisory, item II #11 above, that many push to turn switches in the Fleet had been broken or disabled but that the loss of this feature does not result in a switch malfunction or BID inoperability. The loss of this function removes one safety feature preventing inadvertent change of door position and in combination with the other issues set out below, this loss of function made this accident more likely to occur
- Based on my discussion above, I believe the direct cause of the accident was:
  - Failure of McFaul Ship's Force to properly set up and tag-out the BID system. GSM1 Preetam specifically called for supply air to remain on the system despite personnel and equipment maintaining or transiting the BID. Even though GSCS Goff understood the basics of the system he had not inserted himself in an awareness or review of the tag-outs regarding one of the basic systems he was overall responsible for in his job.
  - Failure of the RA to follow the NavSea Tagout Manual to properly review the tag-out procedure with the Authorizing Officer before posting of the tags associated with the BID's. The WAF's submitted should also have been more specific in the proposal for tagout. System schematics should have also been reviewed with the Ship's Force Authorizing Officer prior to tagging.
  - There is no evidence of the RA properly warning the fire watch of the pinch hazards associated with open BID's.
  - The Chief Engineer was not knowledgeable or experienced enough to recognize the circumvention of good engineering practices that took place with respect to control and tag-out of BID's that would have allowed him to see red flags associated with tagouts of potentially hazardous systems.
  - NavSea should have been more proactive in installing alterations to ships to eliminate the use of BID for any other use than was originally intended.

In summary, (1) ship's force should have tagged out the LP air; and (2) ship's force should have known to tag out the LP air for the reasons in the NSWC report dated March 7, 2024.

A handwritten signature in black ink, appearing to read "C. D. Rudolf III". The signature is stylized with a large, looped initial "C" and a long, sweeping underline.

C. D. Rudolf III

### ***Executive Summary Biography***

**C. Davis Rudolf III, Professional Engineer    Principal, Port Expert Services, LLC**



#### **Detailed Experience Summary:**

##### **♦ *Educational Degrees***

- Mechanical Engineering (BS) University of Wisconsin (MS)
- Mechanical Engineering (MS) U.S. Naval Post Graduate School (MS)
- Financial Management (MS) U.S. Naval Post Graduate School (MS)

##### **♦ *Professional Achievements:***

- Professional Engineering (PE) License  
Mechanical Engineering  
State of California

##### **♦ *Military Experience***

- Served 20 years as an officer in the United States Navy, over half of which was sea duty. Deployed on cruisers and destroyers which saw action during the Viet Nam war. Attained the rank of Commander.
- Engineer Officer of two ships, a guided missile destroyer and the aircraft carrier USS Independence. Led and administered a department of 750 sailors and officers on the Independence through major operations including the attack on Grenada and air operations over Lebanon and the Middle East.



- Superintendent and Docking Officer at Philadelphia Naval Shipyard. Responsible for weight and stability calculations as well as the physical process of dry-docking many ships including aircraft carriers.

◆ ***Litigation Experience***

- Expert witness in an arbitration involving a dispute involving the delivery and operation of automated container handling cranes. (Hong Kong International Terminals)
- Expert witness in a patent dispute between crane spreader manufacturers.
- Testified as a witness in a suit involving the damage resulting from a container crane head block and spreader disconnection during movement of a container in a dockside operation,
- Expert witness a suit involving a longshoreman injured by crane component.
- Expert Witness in a case between a Port Authority and a crane manufacturer involving damage as a result of component failure on a container crane.
- Expert witness in a case between an owner of a rail mounted gantry crane and an operating company who failed to properly secure the crane for high winds.
- Expert Witness in a case between a port stevedore and a truck driver who claimed he had been injured by a container falling on his chassis.
- Expert Witness involving an insurance claim for destruction of a crane due to high winds.
- Gave depositions, in addition to inspections and reports, on several of the above cases.
- Expert witness in a case involving personnel injury while using a power cable reel system on a ship-to-shore crane.
- Expert witness in a suit involving a fatality at a ship repair facility.
- Gave trial testimony in the Federal District Court, Baltimore Maryland in December 2013 on the crane accident involving high winds.

◆ ***Port Planning, Equipment, and Maintenance Experience***

- Career at Virginia International Terminals spanned 20 years, 3 as Assistant Director of Engineering and Maintenance and 17 years as Director of Engineering and Maintenance. Experience encompasses the entire port spectrum from the planning of port facilities to construction of large structures to the management of 200+ maintenance employees, supervisors and engineers.
- Project Manager for the construction of a \$3 million operations tower, an \$8 million freezer facility, and a \$7 million crane and straddle carrier maintenance facility.

- Inventor and patent holder for the only adjustable height trolley girder crane in the industry. Worked with engineers, designers, and manufacturers to bring an idea from the drawing board to actual service in the Port of Virginia. Involvement included advice and approval in the entire design process and quality assurance of the manufacture
- Project Manager for the first automated elevating platform dual hoist crane including management of the erection, testing, acceptance, and warranty.
- Developed and administered a training program for troubleshooting digital drives and controls for ship to shore container cranes. Instituted this program at various ports in the US and around the world.
- Developed the entire test plan and acceptance criteria as well as training plans for maintenance and operation of the automated elevating platform dual hoist cranes.
- Chief procurement negotiator and acceptance authority for a total of 14 Post Panamax container cranes manufactured by ZPMC, Shanghai, China between 1998 and 2004.
- Developed specifications and acceptance criteria for two Paceco standard A-frame container cranes and 14 super Post Panamax Ship-to-Shore cranes manufactured by Zhenhua Port Machinery Company of Shanghai, China. Implemented a maintenance strategy that has made these cranes the most reliable in the industry.
- Developed specifications and acceptance for 12 Paceco rubber tired gantry cranes delivered in 1989.
- Developed specifications and negotiated procurement for a total of 24 straddle carriers on three separate occasions over the past 10 years.
- Acted as chief procurement negotiator and acceptance authority for a Paceco crane manufactured by Deer Park Engineering in Melbourne, Australia.
- Developed specifications for and acted as chief negotiator for the procurement of 6 rubber tired gantry cranes in two separate procurements between 1995 and 1997.
- Architect of reliability and maintainability modifications to the elevating platform dual hoist cranes.
- Project manager for in-house development of an electronic anti-sway system adaptable to any container crane and employed in the recent modification of VIT's dual hoist cranes.

♦ **Patents:** Developer and holder of patents on the following:

- Elevating Trolley Girder Crane
- High Speed Trolley Stabilizer System

- Automatic Container Crane Robotics System

♦ ***Authorship***

- Written numerous professional and technical articles published in the following magazines and journals:
  - World Wide Shipping
  - Cargo Systems
  - Port Development
  - Port Technology
  - Ports and Harbors
- Speaker at various port conferences in the USA and abroad since 1995.

♦ ***Consulting Experience***

- Consultant to ZPMC, the largest manufacturer of container cranes in the world, for marketing and business development. Agent for various ports and terminals in the USA and elsewhere.
- Developed a detailed technical specification for an automated container handling system utilizing an overhead traveling crane working inside a large warehouse.
- Provided consulting services for a Central American port to analyze and recommend organizational and process enhancements to improve economy and efficiency of operations as part of a U.S. Trade and Development Agency project.
- Provided technical consulting assistance to an African port to improve the specification and procurement process for container cranes.

♦ ***Professional Affiliations***

- Former Board member, Tabet Manufacturing Company, Norfolk, Virginia
- Former member American Association of Ports Authorities (AAPA)
- Former Committee Chairman for Terminal Equipment in the Facilities Engineering Committee.
- American Society of Civil Engineers (ASCE)  
Former member and task committee chairman on the Ports and Harbors Committee.



**Expert Witness Services**

- Research, reports, consultations ..... \$275 / hour
- Documents/records review.....\$275/ hour
- Depositions.....\$400 / hour
- Trial Testimony..... \$500 / hour
- Domestic travel
  - Air travel – Economy Class.....Market price
  - Personal automobile..... \$0.75 / mile
  - Enroute..... \$50.00 / hour
  - Per diem (lodging, meals, rental car) .....\$350 / day
- International Travel
  - Air Travel - Business Class..... Market price
  - Enroute..... \$100 / hour
  - Per Diem (lodging, meals, local transportation) .....\$500 / day



## TD&P Consulting Earnings Losses Analysis: Cynthia Gary

*Hornsby, et al v, USA, et al*  
*Ruloff Swain Haddad Morecock, et al*

PREPARED BY  
Jerome S. Paige, Ph.D.  
Subodh Mathur, Ph.D.

April 29, 2024

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## OUR ASSIGNMENT

To determine the economic damages due to the death of Cynthia Gary.

## SUMMARY OF OUR OPINIONS

We estimate the combined present value of the loss of the value of earnings, fringe benefits, and household services to be \$1,026,889. See Figure 1.

**Figure 1 Summary of Opinions**

				After
				Discounting
			Future Value	Present Value
Earnings to age 67			\$537,838	\$449,397
Fringe Benefits	19.10%		\$102,727	\$85,835
Family services (2021-2044) to healthy life expectancy			\$717,909	\$489,706
Total			\$1,358,474	\$1,024,937

## DOCUMENTS REVIEWED

We reviewed the following documents:

- Complaint: Douglass L. Hornsby, Administrator of the Estate of Cynthia Gary, Plaintiff v. United States of America, Defendant, In the United States District Court for Eastern District of Virginia, Norfolk Division.
- TD&P Initiation Sheet
- Email from Kathy Taylor June 16, 2023. Contains background information.
- 2016 1040 Individual Income Tax Return Gregory & Cynthia Gary
- 2017 1040 Individual Income Tax Return Gregory & Cynthia Gary
- 2018 1040 Individual Income Tax Return Gregory & Cynthia Gary
- 2019 1040 Individual Income Tax Return Gregory & Cynthia Gary
- 2021 1040 Individual Income Tax Return Gregory & Cynthia Gary
- 2020 1040 Individual Income Tax Return Gregory & Cynthia Gary
- 2020 1040 Individual Income Tax Return Gregory Gary
- 2020 1040-X Amended US Individual Income Tax Return Gregory Gary
- 2021 1040 Individual Income Tax Return Gregory & Cynthia Gary
- 2021 1040-X Amended US Individual Income Tax Return Gregory & Cynthia Gary
- US000713 Tax Transcript Includes Returns 2016-2021.pdf Gregory & Cynthia Gary
- W-2 2018 Gregory Gary
- W-2 2020 Gregory Gary

## BACKGROUND

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According to the information provided in this case:

1. Cynthia Gary was born on 4/28/68. She died on 3/15/21. She was 53 years old at the time of her death.
2. Her economic losses began on 3/15/2021

## LIFE EXPECTANCY & LENGTH OF ANALYSIS

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### Life Expectancy

According to the Virginia Life Expectancy Tables,<sup>1</sup> a female at age 53 had an additional 29.7 years to 82.7.

### Length of our Analysis

We assumed Ms. Gary would work until she received full Social Security Benefits at age 67<sup>2</sup>.

## METHODOLOGY

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### Pre-Event Base Earnings

Since Ms. Gary had recently entered the labor market and had not established an earnings history, we measured her loss by the loss of her earnings capacity. This is a well-established method, an alternative to the actual earnings method. The fundamental rationale is that her death denied her the opportunity to earn according to her earnings capacity.

In our analysis, we assume she would have been earning at the earnings capacity of a White woman of her age with a high school diploma.

We obtain that information from national data from The Bureau of Labor Statistics, U.S. Department of Labor. Based on national data, all women under 65 earn \$36,988 (\$ 18.13 per hour). This is a conservative value because all women aged 50-54 years (she was 53 at the time of her death) earned \$42,668.

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<sup>1</sup> <https://law.lis.virginia.gov/vacode/title8.01/chapter14/section8.01-419/>

<sup>2</sup>

<https://faq.ssa.gov/en-us/Topic/article/KA-01885#:~:text=The%20current%20full%20retirement%20age,Of%20Birth%20for%20more%20information.>  
according to the Markov Model of Years to Final Separation from the Labor Force 2012-17, Ms. Gary's worklife expectancy is an additional 9.85 years beyond age 53 (2023) to 62.85 years.

**Figure 2 Calculation of Base Earnings Losses**

National		Norfolk, VA	
Annual Earnings	Hourly Earnings	Median Hourly Wage	Minimum Wage
\$36,988	\$18.13	\$26.55. <sup>3</sup>	\$12.00 <sup>4</sup>

### Post-Event Earnings

No post-event earnings since this is a wrongful death case.

### Personal Consumption & Taxes

Since this is a wrongful death action, we must adjust for personal consumption, calculated as family income. We deduct the estimated consumption to derive the losses, given the amount of Ms. Gary's earnings that would have been available for her family. At the time of her death, Ms. Gary was married, and she had two children. Since the jurisdiction is Virginia, we don't adjust for taxes. We use these assumptions to determine the personal consumption adjustment factor.

### Growth Rate

We assume that Mr. Gary's earnings would increase annually at 2.53%, the 20-year average growth in average weekly earnings.<sup>5</sup>

### Discount rate

In determining the present value of an award for this case, we use a discount rate to estimate the future value of the award. Accordingly, we use the twenty-year average of municipal bonds (3.89%)<sup>6</sup>.

Note that this discount rate is higher than the pre-event growth rate, implying that the discounted value of losses will be less than the projected future value of the losses.

### Fringe Benefits

<sup>3</sup> <https://fred.stlouisfed.org/series/SMU51472600500000011>

<sup>4</sup>

chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/https://www.doli.virginia.gov/wp-content/uploads/2022/11/Minimum-Wage-Act-Notice-2023.pdf. By 2026, the minimum wage will be \$15.00 per hour.

<sup>5</sup> Economic Report of the President 2023 <https://www.govinfo.gov/app/collection/erp/2023> Tables B-30

<sup>6</sup> Economic Report of the President 2023 <https://www.govinfo.gov/app/collection/erp/2023> Tables B-42



Using percentages from the Employer's Cost of Employee Compensation, we use a fringe benefit rate of 19.10%

**Figure 3 Fringe Benefit Rate**

Insurance	11.58%
Retirement and savings	7.53%
Fringe Benefits As Percent of Wages & Salaries	19.10%

### Household Services

The inability of a person to provide their ordinary and accustomed services around the house is an economic loss. The value of these lost services constitutes a monetary loss for family members or other household members. The types of activities and the time spent on those activities are estimated, and then the hourly rates for occupations that provide similar services are identified. The hourly rates are market ones. We use the same assumptions regarding "the household" as we used in determining personal consumption.

The economic value of the loss of household services is not subject to federal, state, and local income taxes. However, in a wrongful death case, we must adjust household services for the time a person would have spent on services for themselves.

There are two major categories of household service losses: 1) household production, which includes activities around the house like maintenance and repair, and 2) providing care to others, which includes time spent with a spouse or child.

**Figure 4 Dollar Value of Day Tables**

Working time	Table 135. Married women, Employed full-time, Spouse employed, Ages 55 & over, No minor children in the home
Post-working	Table 181. Married women, Unemployed, Regardless of spousal employment, All ages, Living with spouse only

The base average hourly wages used to estimate the value of the loss of household services are as follows:

**Figure 5 Dollar Value of Day: Value of Household Services**

	Annual Average Household Production	Average Hourly Rate	Annual Average Caring For Others	Average Hourly Rate
Working	\$17,444	\$16.30	\$2,199	\$16.33
Post-Working	\$24,072	\$16.30	\$3,414	\$16.39

The length of the analysis is 78. We use a healthy life expectancy of 76<sup>7</sup>.

## RESULTS

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We estimate the loss of the value of earnings, fringe benefits, and household services at \$1,024,937.

We provide detailed tables in the Appendix.

## CERTIFICATION

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Dr. Jerome S. Paige, Ph.D., has worked on and overseen the development of this report. He is the testifying expert. His compensation for this matter is \$550 per hour for report preparation, depositions, and trial.

Following standard methods used in the field of forensic economics, we offer our opinions within a reasonable degree of economic probability. However, we reserve the right to modify our opinions as additional information becomes available.

We hereby certify that this report is a complete and accurate statement of all our opinions, and the basis and reasons for them, to which we will testify under oath.  
Let us know if you have questions.

Sincerely,



Jerome S. Paige, Ph.D.



Subodh C. Mathur, Ph.D.

## SOURCES

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### Framework

Stanley P. Stephenson, Ph.D., David A. Macpherson, Ph.D., and Gerald D. Martin, Ph.D. (Revision 28 6/2021). *Determining Economic Damages; Guidance for Lawyers and Experts in Civil Litigation*. Santa Ana: James Publishing Group.

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<sup>7</sup> *Healthy Life Expectancy: 2018 Tables*. Shawnee Mission, Kansas, 2020. Based on these tables the healthy life expectancy is 75.38.



#### Life Expectancy

National Vital Statistics Report, US Centers for Disease Control, Vol. 71, No. 71, August 8, 2022.

#### Healthy Life Expectancy

*Healthy Life Expectancy: 2018 Tables*. Shawnee Mission, Kansas, 2020

#### Worklife Expectancy

Gary R. Skoog, James E. Ciecka, and Kurt V. Krueger. 2019, The Markov Model of Years to Final Separation from the Labor Force 2012-17: Extended Tables of Central Tendency, Shape, Percentile Points, and Bootstrap Standard Errors. *Journal of Forensic Economics* 28(1-2), 2019, pp. 109-195.

#### Growth & Discount Rates

Economic Report of the President 2023 <https://www.govinfo.gov/app/collection/erp/2023>  
Average Weekly Earnings: Tables B-30

Economic Report of the President 2023 <https://www.govinfo.gov/app/collection/erp/2023> High-Grade Municipal Bonds: Tables B-42

#### Fringe Benefits

Employer's Cost of Employee Compensation (Released December 15, 2023)  
[www.bls.gov/news.release/pdf/ecec.pdf](http://www.bls.gov/news.release/pdf/ecec.pdf)

#### Personal Consumption

Michael R. Ruble. Robert T. Patton, and David M. Nelson. 2019. Patton-Nelson Personal Consumption Tables 2016-17. *Journal of Legal Economics* 25(1-2): pp. 75- 89.

Michael R. Ruble. 2020. Corrections to Patton-Nelson Personal Consumption Tables 2016-17. *Journal of Legal Economics* 26(1-2): pp. 221–225.

#### Household Services

Expectancy Data, *The Dollar Value of a Day: 2020 Dollar Valuation*. Shawnee Mission, Kansas, 2021. Table 135 and Table 181.

## APPENDIXES

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Table A: Summary Table Economic Loss of Cynthia Gary, 2021-2044

Table 1: Economic Loss of Cynthia Gary, Earnings 2021-2044

Table 2: Economic Loss of Cynthia Gary, Economic Value of Household Services

<b>TABLE A</b>					
<b>SUMMARY TABLE</b>					
<b>ECONOMIC LOSS OF</b>					
<b>Cynthia Gary</b>					
<b>2021-2044</b>					
				After	
				Discounting	
			<b>Future Value</b>	<b>Present Value</b>	
<b>Earnings to age 67 Year 2036</b>			<b>\$537,838</b>	<b>\$449,397</b>	<i>Table 1</i>
<b>Fringe Benefits</b>	<b>19.10%</b>		<b>\$102,727</b>	<b>\$85,835</b>	
<b>Family services to 76 Year 2044 healthy life expectancy</b>			<b>\$717,909</b>	<b>\$489,706</b>	<i>Table 2</i>
<b>Total</b>			<b>\$1,358,474</b>	<b>\$1,024,937</b>	
	Date of birth		4/28/68		
	Date of death		3/15/21		
	Life expectancy at time of incident		83		
	Healthy life expectancy at time of incident		75.83		

TABLE 1M  
ECONOMIC LOSS OF  
Cynthia Garry  
Earnings  
2021-2044

Pre-Event			Calculations for consumption from plaintiff's income												
Year	Age	Base Earnings (Base \$)	Growth Rate on Earnings (Base \$)	Future Earnings Pre-tax (Current \$)	Future Earnings Post-tax (Current \$)	Total Tax on Income	Spouse Income	Family Income for consumption calculation	Family Size	Predicted Consumption rate	Post consumption income	Discount Rate	Discount Factor	Present Value Post-tax	Present Value Gross Pay
2021	53	\$16,988.00	2.53%	\$27,822	\$27,822	\$0	\$26,423	\$64,345	3.0	19.1%	\$29,662			\$30,662	\$37,922
2022	54	\$16,988.00	2.53%	\$28,879	\$28,879	\$0	\$23,442	\$62,321	3.0	19.5%	\$31,300			\$31,300	\$38,879
2023	55	\$16,988.00	2.53%	\$29,861	\$29,861	\$0	\$24,034	\$63,895	3.0	19.2%	\$32,199			\$32,199	\$39,861
Subtotal Back Pay		\$110,964		\$216,663	\$0	\$116,663					\$94,101			\$94,101	\$116,663
2024	55	\$16,988.00	2.53%	\$40,868	\$40,868	\$0	\$24,641	\$65,508	2.0	26.3%	\$30,138	3.89%	0	\$30,138	\$40,868
2025	56	\$16,988.00	2.53%	\$41,900	\$41,900	\$0	\$25,263	\$67,162	2.0	25.9%	\$31,058	3.89%	1	\$29,895	\$41,900
2026	57	\$16,988.00	2.53%	\$42,958	\$42,958	\$0	\$25,901	\$68,858	2.0	25.5%	\$32,003	3.89%	2	\$29,651	\$42,958
2027	58	\$16,988.00	2.53%	\$44,042	\$44,042	\$0	\$26,555	\$70,597	2.0	25.1%	\$32,974	3.89%	3	\$29,406	\$43,976
2028	59	\$16,988.00	2.53%	\$45,154	\$45,154	\$0	\$27,225	\$72,380	2.0	24.8%	\$33,971	3.89%	4	\$29,160	\$45,154
2029	60	\$16,988.00	2.53%	\$46,294	\$46,294	\$0	\$27,913	\$74,207	2.0	24.4%	\$34,994	3.89%	5	\$28,913	\$46,294
2030	61	\$16,988.00	2.53%	\$47,463	\$47,463	\$0	\$28,618	\$76,081	2.0	24.1%	\$36,046	3.89%	6	\$28,666	\$47,463
2031	62	\$16,988.00	2.53%	\$48,662	\$48,662	\$0	\$29,340	\$78,002	2.0	23.7%	\$37,125	3.89%	7	\$28,419	\$48,662
2032	63	\$16,988.00	2.53%	\$49,891	\$49,891	\$0	\$30,081	\$79,971	2.0	23.4%	\$38,234	3.89%	8	\$28,171	\$49,891
2033	64	\$16,988.00	2.53%	\$51,150	\$51,150	\$0	\$30,840	\$81,991	2.0	23.0%	\$39,372	3.89%	9	\$27,924	\$51,150
2034	65	\$16,988.00	2.53%	\$52,442	\$52,442	\$0	\$31,619	\$84,061	2.0	22.7%	\$40,541	3.89%	10	\$27,676	\$52,442
2035	66	\$16,988.00	2.53%	\$53,766	\$53,766	\$0	\$32,418	\$86,184	2.0	22.4%	\$41,742	3.89%	11	\$27,428	\$53,766
2036	67	\$16,988.00	2.53%	\$55,120	\$55,120	\$0	\$33,236	\$88,356	2.0	22.1%	\$42,978	3.89%	12	\$27,180	\$55,120
Subtotal Front Pay		\$458,497		\$586,409	\$0	\$586,409					\$463,677			\$355,235	\$470,245
Total Pay		\$569,461		\$703,072	\$0	\$703,072					\$537,838			\$440,397	\$586,908

[illegible]



## **Jerome S. Paige, Ph.D.**

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### ***FORENSIC ECONOMIST***

Dr. Jerome S. Paige prepared his first economic loss report in 1984. Since then, he has continuously provided forensic economic services for plaintiffs and defendants. In 2003, he established Jerome S. Paige & Associates, LLC, an economic, business, and organizational consulting firm. Dr. Paige has prepared reports and provided testimony in civil litigation matters involving personal injury and wrongful death; business damages and lost profits; employment (whistleblowing, wrongful termination, and discrimination); and valuation of life care plans. He has qualified as an expert witness in state and federal courts. In addition, he has provided expert testimony in matters before state regulatory bodies in insurance, electricity, and telecommunications. Dr. Paige holds a BA degree in economics from Howard University (Washington DC) and a master's and a Ph.D. in economics from American University (Washington DC).

### ***Education & Credentials***

Ph.D., Economics (1982) AMERICAN UNIVERSITY, Washington, DC.  
MA, Economics (1974) AMERICAN UNIVERSITY, Washington, DC.  
BA, Economics (1971) HOWARD UNIVERSITY, Washington, DC.  
Diploma, (1996) Advanced Management Program, INFORMATION RESOURCES MANAGEMENT COLLEGE, NATIONAL DEFENSE UNIVERSITY, Washington, DC.  
Fellow, (1988-89), AMERICAN COUNCIL ON EDUCATION, Washington, DC.

### ***Professional Experience***

#### **CURRENT POSITION**

**Jerome S. Paige and Associates, LLC (Since 2002)**  
Economic, Business & Organizational Development Consulting

#### **Founder/Principal**

**Forensic Economic Analyses.** Jerome S. Paige, Ph.D., holds a doctorate in economics and has been a practicing forensic economist since 1984. He is the principal in his firm Jerome S. Paige & Associates, LLC – a forensic economics, business valuation, and strategic planning firm. His senior associates have extensive backgrounds in valuing assets and assessing economic damages. Dr. Paige and his associates develop reports and provide analyses relating to occupational, employment, earnings outlook, business damages, and loss of profits. Their analyses are based on the reports of vocational rehabilitation and other experts and independent research and analyses. Following the guidelines of the state of jurisdiction, Dr. Paige and his associates develop, and review assumptions, calculations, methods, and conclusions used to arrive at estimates of economic damages.

#### **PREVIOUS POSITIONS**

**National Defense University, Information Resources Management College, Washington, DC (1996-2002)**  
Faculty member and Department Chairman

## Jerome S. Paige, Ph.D. Page - 2

### Professor Of Systems Management

- Academic areas of focus: Information resources management and technology and their economic and policy implications for government, military, and civilian organizations

### Department Chairman, Information Strategies Department (July 1999 to March 2002)

- Curriculum development and course planning, faculty evaluations, student evaluations, and overall direction of the college

### University of Baltimore (1990-1996)

#### Academic Administration & Adjunct Teaching

#### Interim Provost

- From September 1991 through August 1992, I served at the University of Baltimore (UB), an upper-division undergraduate institution with Master's and professional programs. As the interim chief academic officer, I oversaw the academic management and direction of the institution's three academic units, the Law School, the Robert G. Merrick School of Business, and the Yale Gordon College of Liberal Arts. Also had line responsibility for the Langsdale Library, the Schaefer Center for Public Policy, the Hoffberger Center for Professional Ethics, the Office of Sponsored Research, the Office of Institutional Research, and Academic Computing.

#### Associate Provost

- Responsibilities included overseeing institutional research, sponsored research, academic computing, academic planning, assessment, and self-study activities. In addition, I coordinated the activities for the major university-wide governance and planning committees. I oversaw the formulation of academic and faculty-related policies. I was a liaison to the University of Maryland System (of which UB is a part) and the Maryland Higher Education Commission.
- As part of my duties, I served as *Acting Director of the University of Maryland System Downtown Center for Continuing Education*. This center served as a site for the eleven degree-granting institutions of UMS to offer courses in downtown Baltimore. In addition to credit courses, the center engaged in non-credit courses, contract training, conference facilities rental, and information brokering for the campuses.

### Adjunct Teaching Summary (2002-2007)

Public Policy Analysis, Performance Measurement, and Management; Principles of Economics; Business Process Reengineering; Organizational Behavior; Applied Economics For Information Managers, Managerial Economics.

Public Policy Theory & Methodology

University of Maryland College Park, Adjunct  
Afro-American Studies Program

Introductory and Intermediate Economic Theory  
and Urban Policy and Research

University of Baltimore

President's Management Agenda

Eastern Management Development Center /US  
Office of Personnel Management

Principles of Economics  
Business Process Reengineering

Villa Julie College  
Information Management College/National  
Defense University

## **Jerome S. Paige, Ph.D. Page - 3**

Applied Economics for Information Managers

School of Information Studies/Syracuse University

Organizational Behavior

Kaplan University

Managerial Economics

George Washington University, Organizational  
Sciences Department

### **University of the District of Columbia (1977-1990)**

Associate Professor, Department Chairman, Acting Directorship

- **Assistant Professor and later an Associate Professor** (Department of Economics): I taught undergraduate courses in introductory and intermediate economic theory and history of economic thought, American economic history, urban economics, and public utility economics, and graduate courses in urban policy.
- **Senior Research Scholar**, (1986) Center for Applied Research and Urban Policy
- **Associate Director** (1984-1985), Institutional Self-Study, University of the District of Columbia.
- **Acting Director** (June-December 1982), Institute for District Affairs (IDA),
- **Chairman** Department of Economics (1979-1981)

### **American Council on Education Fellow, University of Baltimore (1988-1989)**

Academic Leadership Fellow

- While on leave from UDC, I participated in the ACE Fellows Program -- a program to train academic administrators. As part of my fellowship year, I worked with the Provost at the University of Baltimore. Primary responsibilities included assisting with developing reports needed as part of the reorganization of public higher education in Maryland.

### **Office of the Mayor, District of Columbia (1986-1988)**

Public Administration

Deputy Director of Mayor's Office Of Policy

- Held this position while on leave from UDC. The Office of Policy was in the Executive Office of the Mayor, District of Columbia. Oversaw the formulation of significant policy positions and analyzed policy issues that addressed economic, social, budget, and administrative aspects of the District and its government—worked with other District agencies to develop an inter-agency approach to issues. In addition, I worked with universities, private organizations, non-profit organizations, and community groups to identify policy issues and formulate policy actions. I assisted in the overall management and the setting of the direction of fourteen professionals and four support staff. I evaluated personnel and served in the absence of the Director.

## **Jerome S. Paige, Ph.D. Page - 4**

### ***Publications & Presentations***

#### ***Forensic Economics***

##### ***Publications***

Mathur, S. and Paige, J. 2021. "Historical Net Discount Rates—An Update Through 2019." *Journal of Legal Economics* 27 (2) September 2021.

Lockley, R., Paige, J., and Tucek, D. 2017. "Historical Net Discount Rates—An Update Through 2017." *Journal of Legal Economics* 25(1-2) September 2019.

Sawney, M., Lockley, R. and Paige, J. The Relationship Between Growth Rates & Discount Rates in Determining the Value of Economic Damages. *Journal of Applied Business and Economics* 13(3) 2017.

##### ***Newsletter Articles***

Paige, Jerome S., Mathur, Subodh, *Blood Lead Levels and Economic Damages: The Need for Clear Causality*, DC Defense Lawyer's Association, Monthly Newsletter, April 2022.

Paige, Jerome S., Mathur, Subodh, and Sawney, M. *Measuring Economic Damages of Gig Workers: Total Revenue versus Net Profit versus Free Cash Flow*, DC Trial. The Trial Lawyers Association Newsletter, March 2022.

Paige, Jerome S. and Mathur, Subodh. *How do Economists Assess Economic Damages in Government Employment Cases?* DC Trial. The Trial Lawyers Association Newsletter, Volume 4 2021.

Paige, Jerome S. and Mathur, Subodh. *Critical Features of a Forensic Economist's Report*. DC Trial. The Trial Lawyers Association Newsletter, Volume 3 2021.

Mathur, S. and Paige, J. "Does RF Exposure Lead to Brain Cancer? Daubert And An Expanded Role For Forensic Economists." DC Trial. The Trial Lawyers Association Newsletter, Summer 2021.

Mathur, S. and Paige, J. "Avoiding Discrimination in Estimating Damages." DC Trial. The Trial Lawyers Association Newsletter, Winter 2021.

Paige, J., Mathur, S., Lockley, R., and Sawney, M. "Constructing an Economic Damages Narrative in Personal Injury and Wrongful Death Cases." DC Trial. The Trial Lawyers Association Newsletter, 2020 Volume 4.

Dawson, Thomas; Paige, Jerome S; and Lockley, Richard. "Does Your Life Care Planner's Cost Data Pass The 'Sanchez Test'?" DC Trial. The Trial Lawyers Association Newsletter, 2020 Volume 3.

Paige, J., Mathur, S. and Lockley, R. "Equal Protection, Due Process and Estimating Economic Damages." DC Trial. The Trial Lawyers Association Newsletter, Winter 2020.

Paige, J., Mathur, S. and Lockley, R. "The Relationship Between Interest Rates and Wage Rates Needs Further Research." *The Forecast; A Newsletter of the National Association of Forensic Economics*, Vol. 34. Issue 1. Winter 2020.

Paige J., "Enslavement, Racial Inequality, and Making Victims Whole." An update on the National Association of Forensic Economics Meetings at the Allied Social Science Association Meetings, January 2020. *The Forecast: A Newsletter of the National Association of Forensic Economics*, Volume 33, Issue 4, Fall 2019.



## **Jerome S. Paige, Ph.D. Page - 5**

Paige, J., Mathur, S. and Lockley, R. "How Do We Project for Workers in the Gig Economy?" *DC Trial. The Trial Lawyers Association Newsletter*, Winter 2019.

Paige, J., Mathur, S. and Lockley, R. "Within in a Reasonable Degree of Economic Probability." *DC Trial. The Trial Lawyers Association Newsletter*, Summer 2018.

Paige, J. and Lockley R. "Recovery of Wages or Net Profits?" *DC Trial. The Trial Lawyers Association Newsletter*, Spring 2018.

Sawney, M., Lockley, R. and Paige, J. "Is Your Economic Expert "Increasing to Present Value." *DC Trial. The Trial Lawyers Association Newsletter*, Spring 2015.

### ***Blog***

<https://paigeandassociates.com/blog/>

### ***Webinars (Forensic Economics)***

*Avoiding Discrimination in Estimating Damages*. American Rehabilitation Economics Association (AREA) Subodh Mathur & Jerome Paige with (late) Richard Lockley May 2021 (Forthcoming). Prepared for AREA's annual meetings.

*Avoiding Discrimination in Estimating Damages*. American Academy of Economic and Financial Experts (AAEFE) Subodh Mathur & Jerome Paige with (late) Richard Lockley April 22, 2021

*Avoiding Discrimination in Estimating Damages*. American Rehabilitation Economics Association (AREA) Subodh Mathur & Jerome Paige with (late) Richard Lockley March 8, 2021. The webinar was for CEUs via AREA.

*Race, Gender & Ethnicity in the Estimation of Lost Earnings & Earnings Capacity*. Presented to the Trial Lawyers Association of Metropolitan D.C. August 26, 2020. ([Click here to view the webinar.](#))

### ***Presentations***

*"Medical Coverage, Prices, and Discount Rates in Life Care Plans: Avoiding Legal, Definitional and Data Pitfalls"* (February 25, 2023) Thomas Dawson and Jerome Paige. National Association of Forensic Economics (NAFE) Eastern Economic Association (EEA) meetings.

*Economic Damages Of "The Benefit Of The Business:" Loss of Profits, Lifestyle & Enjoyment For The Owner-Worker: An Update*, Jerome Paige, Subodh Mathur, Shelly Steward & Bridgett Gagne. ASSA 2022 Virtual Annual Meeting National Association of Economics (NAFE) Session

*Loss of "The Benefit of The Business" Estimating Damages Realistically for the Owner-Worker*. Presentation at the Eastern Economic Association/National Association of Forensic Economic Meetings (Virtual) February 26, 2021. Jerome Paige, Moses Sawney, Subodh Mather & Richard Lockley

*Structural, Black Box and Ad Hoc Models Used To Determine the Worklife Expectancy Of A Child With Blood Lead Levels: A Case Study*. National Association of Forensic Economics Meetings at the Allied Association of Social Sciences Meetings (Virtual) January 4, 2021. Jerome S. Paige, Subodh Mathur, Richard Lockley, and Moses Sawney.



## **Jerome S. Paige, Ph.D. Page - 6**

*Setting Rules for Future Financial Evaluation of Non-Tradable Assets.* National Association of Forensic Economics Meetings (Virtual) January 4, 202. Subodh Mathur, with Jerome Paige, Richard Lockley, and Moses Sawney

*Calculating Economic Damages Without Race- and Gender-Based Discrimination.* National Association of Forensic Economics Virtual Meeting November 20, 2020. Subodh Mathur, Jerome Paige, and Richard Lockley

*To Use or Not Use? Race, Gender & Ethnic-Specific Data in Determining Economic Damages.* Eastern Economic Association Meetings/National Association of Forensic Economics Boston MA. February 28, 2020. A joint presentation by Jerome S. Paige, Richard Lockley, and Subodh Mathur, Jerome S. Paige & Associates, LLC

*Comments by Jerome S. Paige and Richard Lockley On "The Deepening Insolvency Measure of Damages by Craig A. Allen, FCAS.* For Presentation at the 2019 Eastern Economic Association Meetings/National Association of Forensic Economics New York, New York, March 2, 2019

*Assessing Economic Damages In Wrongful Death and Personal Injury Cases In DC* Presentation at the National Association of Forensic Economics (NAFE) Sessions at the Southern Economic Association Meeting, November 2018. A joint presentation by Jerome S. Paige, Subodh Mathur, and Richard Lockley, Jerome S. Paige & Associates, LLC

*The "Best and Safest Investments" Dilemma: When 10-Year Treasuries are the discount rates, what are the appropriate growth rates?* Presentation at the National Association of Forensic Economics (NAFE) Sessions at the Eastern Economic Association Meeting, February 2017, New York, New York. A joint presentation of Moses Sawney, Richard Lockley & Jerome Paige.

*Relationship Between Growth Rates & Discount Rates in Determining the Value of Economic Damages.* Presentation at the National Association of Forensic Economics (NAFE) Sessions at the Eastern Economic Association Meeting, February 2016, Washington DC. A joint presentation of Moses Sawney, Richard Lockley & Jerome Paige.

*Comments by Jerome S. Paige & Richard Lockley on A Professional Liability Case Study* Craig A. Allen, FCAS. Presentation at the 2018 Eastern Meeting, National Association of Forensic Economics Boston, Massachusetts, March 3, 2018.

*Relating Growth, Productivity & Inflation Rates to Estimate Future Economic Damages and to Discount Those Damages to Present Value.* Presentation at the National Association of Forensic Economics (NAFE) Sessions at the Southern Economic Association Meeting, November 2017, Tampa, FL A joint presentation of Jerome Paige and Subodh Mathur.

*Estimating the Value of the Loss of On-Call Household Services.* Presentation at the National Association of Forensic Economics (NAFE) Sessions at the Southern Economic Association Meeting, November 2016, Washington DC. A joint presentation of Subodh Mathur, Gregory Billings & Jerome Paige.

### **ListServ Posts**

Subodh Mathur, Jerome Paige, and Lockley, Richard. *Some Issues in Avoiding the Use of Race and Gender in the Estimation of Damages* (Draft September 19, 2020) NAFE-L

### **Testimony (DC City Council)**

## **Jerome S. Paige, Ph.D. Page - 7**

The Stormiyah Denson-Jackson Race and Gender Economic Damages Equality Emergency Act of 2020.  
Written Testimony for the Committee on the Judiciary & Public Safety Council of the District of Columbia  
Councilmember Charles Allen, Chairperson by Jerome S. Paige, Ph.D., Jerome S. Paige & Associates, LLC,  
October 7, 2020

### ***Book Reviews***

Paige, J. "Reparations Time: Close The Black-White Racial Wealth Gap Now." A review of *From Here To Equality: Reparations For Black Americans In The Twenty-First Century*, written By William A. Darity, Jr. & Kirsten Mullen. *The Forecast; A Newsletter of the National Association of Forensic Economics*, Vol. 35. Issue 1. Winter 2021.

### ***Reviewer Journal of Forensic Economics***

- Assessing Economic Damages – Maryland
- The Impact of Race on a Child's Educational Attainment and Life-Time Earnings

### ***Conference Organization***

Conference Organizers Paige, J. and Boukidis, N. National Association of Forensic Economics Meeting at the Allied Social Science Association - Annual Conference, January 3-5, 2021

Conference Organizers, Tucek, D. G. and Paige, J. National Association of Forensic Economics Meeting at the Allied Social Science Association - Annual Conference, January 3-4, 2020

Session Organizers, Paige, J. and Betsey, C. "Enslavement, Racial Inequality and Making Victims Whole"  
Joint Session with the National Economic Association (2:30 pm-4:30 pm on Friday, January 3, 2020)

### ***Professional Associations***

National Association of Forensic Economics, Former Vice President At-Large  
American Academy of Economic and Financial Experts, Member  
National Economic Association, Member

### ***Regulatory Proceedings (Since 1994)***

In The Matter Of The Merger Of Exelon Corporation, Pepco Holdings, Inc., Potomac Electric Power Company, LLC New Special Purpose Entity, LLC Formal Case No. 1119. On Behalf of GRID 2.0 (2014)

Formal Case 1053 regarding the request for rate increases by PEPCO (2007)

In the Matter of the Rate Filing of: The California Earthquake Authority, File No. PA-96-0072-00.

In the Matter of: The Automobile Rate Application of 20th Century, File No. PA-94-0012-00 (California)

In the Matters of: The Homeowners, Automobile, Commercial, and Liability Rate Applications of State Farm, Files Nos. PA-93-0014-00, PA-93-0015-00, PA-93-0017-00, PA-93-0014-0A, and PA-93-0018-00, et. al. (California)

## **Jerome S. Paige, Ph.D. Page - 8**

In the Matter of: The Cease and Desist Hearing Regarding Farmers Personal Homeowners and Commercial Earthquake Deductibles (California)

In the Matters of: The Personal Homeowners and Commercial Rate Applications of Farmers, Files Nos. PA-95-0031-0A and PA-95-0031-0B (California)

In the Matter of: The Personal Homeowners Earthquake Rate Application of State Farm, File No. PA-95-0054-00 (California)

In the Matter of: The Commercial Earthquake Rate Applications of State Farm, File No. PA-95-0055-00 (California)

In the Matter of Investigation into the AT&T Divestiture and Decisions of the Federal Communication Commission on Bell Atlantic Wash. DC Inc.'s Jurisdictional Rates, FC 814 Phase IV (Washington, DC) July 1995.

In the Matter of the Application of the Potomac Electric Power Company for an Increase in Retail Rates for the Sale of Electric Power in the District of Columbia, Formal Case Number 939 May 1995.

### ***Current & Past Affiliations***

#### **Current Professional Affiliations**

- National Association of Forensic Economics, Member (Former Vice President at-Large)
- American Academy of Economic and Financial Experts, Member
- National Economic Association, Member
- American Economic Association, Member

#### **Current Community Affiliations**

- DC Fiscal Policy Institute, Board Member & Chair
- Civic League of North Portal Estates, Member

#### **Past Commission/Board Memberships**

- National Education Association Foundation, Member
- DC Educational Licensure Commission, Member
- DC Rental Accommodations Commission (Vice Chair)
- DC Citizens Energy Advisory Commission, Member
- DC Community Humanities Council (Co-Chair)
- DC Consumer Utility Board, Member
- DC Historical Society Board, Member
- DC Consumer Utility Board (First Vice Chair)
- DC Education Licensure Commission, Member
- National Parks and Conservation Association Board, Member
- DC Tax Revision Commission, Member
- Ward 4 Committeeman to the DC Democratic State Committee
- Takoma Silver Spring Co-op
  - Strategic Planning Committee
  - Living Wage Committee
  - Articles of Incorporation Committee
  - Expansion Committee

## **Jerome S. Paige, Ph.D. Page - 9**

- DC Zoning Code Advisory Committee
- Ward 4 Arts, Humanities & Culture Committee, Member

**Jerome S. Paige, Ph.D. Page - 10**



<b>APPEARANCES OF JEROME S. PAIGE, PH.D. IN FORENSIC ECONOMIC MATTERS</b>				
<b>April 2024- January 2018</b>				
<b>Month/Y ear</b>	<b>Plaintiff/Defendant</b>	<b>Deposition/T rial</b>	<b>Plaintiff/Defens e</b>	<b>Jurisdiction</b>
Apr-2024	Elizabeth T Miiller v Stephen Bauer et al.	Deposition	Plaintiff	In The Circuit Court For The City Of Winchester, Va
Apr- 2024	Copely v Toyota Motor Corp.	Deposition	Defense	In The Circuit Court Of Phelps County, Missouri
Feb-2024	Stefanelli v. Rock Spring Contracting	Deposition	Defense	Superior Court of the District of Columbia
Jun-2023	Deakin, et al. v. WMATA	Deposition	Plaintiff	Superior Court of the District of Columbia
May-2023	Joseph Watts, Sr. v. Prince George's County Department of Corrections	Trial	Plaintiff	Circuit Court for Prince George's County, Maryland
Apr-2023	Dwight Gopaul v. Kaiser	Deposition	Plaintiff	Superior Court of the District of Columbia
Feb-2023	Dwight Gopaul v. Kaiser	Deposition	Plaintiff	Superior Court of the District of Columbia
Feb-2023	Kaela Bamberger	Deposition	Plaintiff	Superior Court of the District of Columbia
Mar-2023	Dennis Cooper	Trial	Plaintiff	Circuit Court for Prince George's County, Maryland
Dec-2022	Conquest v Elite	Deposition	Plaintiff	Superior Court of the District of Columbia
Nov-2022	Saradona Lefkowitz v Consigli Construction Co., et al.	Trial	Plaintiff	Superior Court of the District of Columbia
Nov-2022	Mahdi Shabazz v State of Maryland	Trial	Plaintiff	Circuit Court of Montgomery County, MD
Oct-2022	Adam P. Harrington, v Barry Graham Offshore Services, LLC et al. (ExxonMobile)	Deposition	Defense	The Circuit Court Of Mobile County, Alabama
Oct-2022	Elizardo Ramiez Guerra v. District of Columbia	Deposition	Plaintiff	Superior Court of the District of Columbia
July 2022	Parent 1-A, et al. v. Washington Hebrew Congregation	Deposition	Plaintiff	Superior Court of the District of Columbia
June-2022	Jose Buruca, et al. v Alizzi, LLC a/k/a Alizza Construction	Deposition	Plaintiff	Superior Court of the District of Columbia
Jun-2022	Emma Wyatt (Rachel Maxwell and Abner Wyatt v.	Deposition	Plaintiff	Circuit Court for Baltimore City

APPEARANCES OF JEROME S. PAIGE, PH.D. IN FORENSIC ECONOMIC MATTERS				
April 2024- January 2018				
	The John Hopkins Hospital, Inc.)			
Jun-2022	Cal Terrell Turner v John J. Sellinger, Esq.	Deposition	Plaintiff	Circuit Court for Prince George's County, Maryland
May-2022	Derick J. Noel Et Al. V Paccar Financial Corp., Et Al.	Deposition	Plaintiff	United States District Court For The District Of Maryland
May-2022	Christopher John McKee v. HCA Health Services of Virginia, Inc	Deposition	Plaintiff	Circuit Court for Fairfax County, VA
May-2022	Thomas Haag and Natasha Haag v. 975 Carroll Square, LLC, and The John Akridge Management Co.	Deposition	Plaintiff	Superior Court of the District of Columbia
Mar-2022	Vincent and Rosemary Giovinazzo v Michael McReynolds and President & Board of Directors of Georgetown College	Deposition	Plaintiff	Superior Court of the District of Columbia
Feb-2022	Madhi Shabazz v State of Maryland	Deposition	Plaintiff	Circuit Court of Montgomery County, MD
Feb-2022	David Pouliot Vs. ATTRANSOCO, INC	Deposition	Plaintiff	Circuit Court of Baltimore, MD
Nov-2021	Quintanilla V Deceased, Atlantic Waste Disposal	Deposition	Defense	Circuit Court Of The City Of Henrico, Va
Sep-2021	Lana M. Paavola, individually and as the Administrator of the Estate of Joel D. Paavola, deceased v. Hope Village, Inc.	Deposition	Defense	United States District Court for the District of Columbia
May-2021	Farrukh Farshori v. Doctors Hospital, Inc., et al.	Deposition	Plaintiff	Circuit Court for Prince George's County, MD
May 2021	Steven Fouts v. Morse TEC, LLC, et al.	Trial	Plaintiff	Circuit Court of Baltimore
Apr-2021	Yolanda M. Stewart vs. The Howard University	Deposition	Plaintiff	Superior Court of the District of Columbia
Apr-2021	Steven Fouts v. Morse TEC, LLC, et al.	Deposition	Plaintiff	Circuit Court of Baltimore
Aug-2020	Julia Avila v LPC Commercial, et. Al	Deposition	Plaintiff	United States District Court,

<b>APPEARANCES OF JEROME S. PAIGE, PH.D. IN FORENSIC ECONOMIC MATTERS</b>				
<b>April 2024- January 2018</b>				
	Burrows v LPC Commercial Services, et. Al.			District of Columbia
May-2020	Jihad Dagher v Myra Reingold Promisel	Deposition	Plaintiff	Superior Court of the District of Columbia
May-2020	Calvin Amos v Prabhat Thapa, et. Al.	Deposition	Plaintiff	Circuit Court of Baltimore
Mar-2020	I'Maya Kelly v IMC Mortgage Co., Inc.	Deposition	Defendant	Circuit Court of Baltimore City
Dec-2019	Lorena Saenz v Miller & Long	Deposition	Plaintiff	Circuit Court for Montgomery County, MD
Oct-2019	Michael Bell v Borgwarner Morse Tec, Inc., et al.	Trial	Plaintiff	Circuit Court of Baltimore City
Jul-2019	Bruce Bassett v Anheuser Busch, et. al.	Deposition	Defense	United States District Court for the Eastern District of VA, Newport News Division
Jul-2019	Michael Bell v Borgwarner Morse Tec, Inc., et. al.	Deposition	Plaintiff	Circuit Court for Baltimore City, MD
Jun-2019	Doe v. Innovative Learning	Trials	Plaintiff	Circuit Court for Baltimore County, MD
Apr-2019	Richard W. Fullen, et ux., V 3m Company, Et Al.	Deposition	Plaintiff	United States District Court For The District Of Maryland (Southern Division)
Mar-2019	Robert Schwartz v Industrial Steam Cleaning	Trial	Plaintiff	Circuit Court for Prince George's County, MD
Feb-2019	Kevin Lovechio v WMATA	Deposition	Plaintiff	Superior Court of the District of Columbia
Jan-2019	Robert Wilkerson v. Kaiser	Deposition	Plaintiff	Circuit Court for Prince George's County, MD
Sep-2018	Carol Kerkoff v Brenntag N.A.	Deposition	Plaintiff	Circuit Court for Montgomery County, MD
Aug-2018	Joshua Short v WMATA	Trial	Plaintiff	Superior Court of the District of Columbia
Jun-2018	Caitlin Rolfe vs. University of New Hampshire et al.	Deposition	Plaintiff	Superior Court of the District of Columbia
Jun-2018	Afsabeh Azadeh v. The Government of the Islamic Republic of Iran et al.	Trial	Plaintiff	US District Court, District of Columbia

<b>APPEARANCES OF JEROME S. PAIGE, PH.D. IN FORENSIC ECONOMIC MATTERS</b>				
<b>April 2024- January 2018</b>				
May-2018	Marnoun K. Ashkar v Town of Riverdale et al.	Trial	Plaintiff	Circuit Court for Prince George's County, MD
Jan-2018	Ralph Kenneth Hare v. Union Carbide Corporation	Deposition	Plaintiff	Circuit Court for Baltimore City, MD



## FEE SCHEDULE

RETAINER..... \$5,250.00      TRIAL RETAINER.....\$5,250.00  
 (Retainer must be submitted to hold future dates)

### DEPOSITION

- PHYSICIAN EXPERT..... \$1,000/hr.
- FUTURE & PAST MEDICAL EXPENSES..... \$925/hr.
- NEUROLOGY & BEHAVIORAL SCIENCE ..... \$950/hr.
- LIFE CARE PLANNING EXPERT..... \$650/hr.
- FORENSIC ECONOMICS EXPERT..... \$650/hr.
- ACTUARIAL SCIENCE EXPERT..... \$650/hr.
- VOCATIONAL REHABILITATION EXPERT. \$650/hr.
- PHARMACOLOGY EXPERT..... \$650/hr.

### TRIAL

- PHYSICIAN EXPERT..... \$1,300/hr.
- FUTURE & PAST MEDICAL EXPENSE..... \$1,225/hr.
- NEUROLOGY & BEHAVIORAL SCIENCE.. \$1,250/hr.
- LIFE CARE PLANNING EXPERT..... \$850/hr.
- FORENSIC ECONOMICS EXPERT..... \$850/hr.
- ACTUARIAL SCIENCE EXPERT..... \$850/hr.
- VOCATIONAL REHABILITATION..... \$850/hr.
- PHARMACOLOGY EXPERT..... \$850/hr.

#### PHYSICIAN MEDICAL RECORD REVIEW (IME, LCP CRITIQUE & CAUSATION ANALYSIS)

RECORD REVIEW..... \$1.50 per pag  
 ANALYSIS ..... \$750/hr.

\*ANY REPORTS DUE IN LESS THAN 6 WEEKS WILL BE BILLED A 1 ½ HOURLY RATE.

### EXPERT WITNESS

DR. VERA DVORAK ..... \$750/hr.  
 Internist and Geriatrician

ROBERT PAUL, PH.D..... \$725/hr.  
 Neurologist and Behavioral Scientist

THOMAS J. DAWSON, III ESQ., MPH, MA..... \$550/hr.  
 Forensic Economist - Medical Expences

JEROME PAIGE, PH.D..... \$550/hr.  
 Forensic Economics

SUBODH MATHUR, PH.D..... \$550/hr.  
 Forensic Economics

ANITA ROBERTS, RPH..... \$500/hr.  
 Registered Pharmacist & Pharmacy Reimbursement

LIFE CARE PLANNER..... \$500/hr.

VOCATIONAL REHABILITATION..... \$500/hr.

PROFESSIONAL STAFF RATE.....\$450/hr.



Decedent is  
NON-RESIDENT  
of City/ County of Death

Commonwealth of Virginia  
Department of Health  
Office of the Chief Medical Examiner  
TIDEWATER DISTRICT  
830 SOUTHAMPTON AVENUE, SUITE 100 NORFOLK, VA 23

Case Number:  
T2021-88063

REPORT OF INVESTIGATION

Decedent CYNTHIA GARY  
First Name Middle Name Last Name Suffix Sr, Jr, III, etc  
SSN 108-60-5241  
Home Address 13 LEWIS DRIVE NEWPORT NEWS, VA 23606  
Number and Street City, State, Zip  
Age 52 Yrs DOB 4/25/1968 Sex FEMALE Last Known Occupation FIRE WATCHER  
Race OTHER Hispanic? YES Marital Status MARRIED  
MEDICAL EXAMINER AUTHORITY VIOLENT OR UNNATURAL  
Police Notified YES Investigator J. RATCLIFFE Phone (757) 441-3820  
Jurisdiction US DEPT. OF LABOR - OSHA

	DATE (MM/DD/YY)	TIME (24h)	LOCATION	CITY/ COUNTY	BY WHOM
LAST KNOWN ALIVE					
EVENT/ INJURY ACUTE ILLNESS	3/15/2021	0745	GENERAL DYNAMICS - 200 LIGON STREET	NORFOLK, VA	911 CALLED
FOUND					
DEATH/ PRONOUNCED	3/15/2021	0844	SENTARA NORFOLK GENERAL HOSPITAL	NORFOLK, VA	STAFF
EXAMINATION OF BODY	3/16/2021	0915	OFFICE OF THE CHIEF MEDICAL EXAMINER - TIDEWATER DISTRICT	NORFOLK, VA	MASIAN, NICOLE
Cause of Death: TRAUMATIC ASPHYXIA			Autopsy (Y/N): Y		
			Authorized by MEDICAL EXAMINER		
			Pathologist MASIAN, NICOLE		
			Autopsy No T0148-21		
Manner of Death: ACCIDENT			Location TIDEWATER OCME		

This case was reviewed by:

21-Apr-2021 1244

Date/Time

NICOLE MASIAN

Name of Assistant Chief Medical Examiner

Signature of Assistant Chief Medical Examiner

27-Apr-2021 1020

Date/Time

ROBINSON, ROB

Name of Reviewing Medicolegal Death Investigator

MAR - 7 2023

A COPY TESTE

ASSISTANT CHIEF MEDICAL EXAMINER

## MEDICAL HISTORY

☒ none known    ☐ alcoholism    ☐ cirrhosis    ☐ hepatitis    ☐ drug abuse    ☐ asthma    ☐ bronchitis    ☐ emphysema  
☐ seizure disorder (cause) \_\_\_\_\_ ☐ cancer \_\_\_\_\_ ☐ diabetes    ☐ hypertension    ☐ atherosclerosis  
☐ stroke    ☐ psychiatric diagnosis (specify) \_\_\_\_\_ ☐ depression    ☐ dementia (specify) \_\_\_\_\_  
☐ recent trauma (specify) \_\_\_\_\_ ☐ hip fracture  
☐ acute infections (specify) \_\_\_\_\_ ☐ HIV/AIDS    ☐ COPD    ☐ obesity    ☐ tobacco  
☐ other (specify): \_\_\_\_\_

Treating MD \_\_\_\_\_ Phone# \_\_\_\_\_

Hospitalizations (when/where)

Medications    None reported

Tox requested: YES

## Summary of Circumstances:

52  
Cynthia Gary, a 52-year-old woman, reportedly became trapped in a hydraulic door while at work. Responding emergency personnel arrived to find Ms. Gary pulseless and apneic; they initiated resuscitation attempts and transported her to the hospital, where she was pronounced dead in the emergency room.

At autopsy, Ms. Gary was observed to have marked congestion of her face with numerous petechiae on her skin, in her eyes, and in her mouth. She had multiple scrapes and bruises on her torso, as well as multiple rib fractures, bleeding into the left chest cavity, and bruising of the heart muscle. These findings are consistent with traumatic asphyxia.

Ms. Gary also had evidence of underlying hypertensive cardiovascular disease (high blood pressure), minimal atherosclerosis (plaques in arteries), and an incidental benign tumor of her adrenal gland. These natural disease findings did not cause or contribute to her death.

CAUSE OF DEATH:    Traumatic asphyxia. The manner of death was accident.

Nicole Masian, MD  
Assistant Chief Medical Examiner

Decedent: CYNTHIA GARY

CME1\_1E/ REV 10/09

Amended 3/07/2023

AAR 000002C

DEPARTMENT OF HEALTH  
OFFICE OF THE CHIEF MEDICAL EXAMINER  
830 SOUTHAMPTON AVENUE, SUITE 100  
NORFOLK, VIRGINIA 23510  
(757) 683-8366

AUTOPSY NO: T-148-21 T2021-88053  
DATE/DAY: Tuesday, 3/16/2021  
TIME: 0915

REPORT OF AUTOPSY

DECEDENT: CYNTHIA GARY

AUTOPSY AUTHORIZED BY: Dr. Masian, acting Medical Examiner for Norfolk

**BODY IDENTIFIED BY:**

Removal service tags on body bag and left ankle,  
hospital tags on bag, right great toe, and left wrist

**PERSONS PRESENT AT AUTOPSY:**

Ms. Metscher, Ms. Magruder, Mr. Edmonds, Dr. Gunther

Rigor: Present	Livor: Purple, blanching	Distribution: Posterior
Age: 52	Race: Black	Sex: Female
	Length: 62"	Weight: 247 lbs.
Eyes: Brown	Pupils: Equal	
Hair: Black	Mustache/Beard: N/A	Circumcised: N/A
	Body Heat: Refrigerated	

**GENERAL EXTERNAL EXAMINATION:** The decedent is received in a sealed white body bag (seal #1265692), is placed in a second unsealed body bag, and is wrapped in a hospital blanket. The body is that of a normally-developed adult female with light brown skin pigmentation. The scalp hair is long, black, and curly. There is marked congestion of the face, with numerous petechiae of the facial skin and oral mucosa. The eyes are brown. The sclerae and conjunctivae are anicteric; multiple petechiae are present. The corneae are clear. The ears and nose are unremarkable, with piercings of the earlobes. The nasal and facial skeleton is intact to palpation. The teeth are in good repair. The neck, chest, and back are symmetric. The abdomen is obese. The upper and lower extremities are symmetric. The fingernails and toenails are short and free of tears. The toenails are focally dystrophic and have traces of blue glitter polish. The breasts and external genitalia are those of a normal, atraumatic adult female. The anus is unremarkable.

**EXTERNAL WOUNDS:** Red-brown abrasion of left chin (3/16 x 1/16"). Purple contusions (3/16 x 1/8", 1-3/8 x 1/4", 3/4 x 5/16") and tan-pink abrasions (3/16 x 1/8", 3/4 x 1/4") of left anterior chest/breast. Purple contusion of left mid back (1 x 3/4") with indentation of skin (1-1/2 x 3/4"). Adjacent purple contusions (3/4 x 3/8", 3/8 x 5/16"). Linear red-purple abrasions of the mid back (1-3/8", 2-1/4", additional <1"). Red abraded contusions of the left mid back (up to 2 x 1/8").

**CLOTHING AND PERSONAL EFFECTS:** None.

**SCARS, TATTOOS:** Irregular scar on right shoulder. Multiple monochromatic and multicolored tattoos on torso and upper extremities, as photographed and diagrammed.

**MARKS OF THERAPY:** Incisions of bilateral chest (left 2", right 1-1/2"), presumed due to chest tube insertion. Two monitor leads on anterior torso. Combitube in mouth. Intravenous catheters in bilateral antecubital fossa. Intraosseous catheter in left tibia. Pulse oximetry monitor on left 2<sup>nd</sup> finger.

**X-RAYS:** None.

**HISTORY:** Reportedly crushed/pinned by hydraulic door while at work.

**PATHOLOGICAL DIAGNOSES:**

1. Traumatic asphyxia.
  - a. Congestion of face, with petechiae of eyes, oral mucosa, and facial skin.
  - b. Blunt force trauma to the torso.
    - i. Abrasions and contusions.
    - ii. Multiple rib fractures (left lateral 2-9, right anterior 2-7 and postero-lateral 3-9).
    - iii. Left hemothorax (100 mL).
    - iv. Contusions of postero-lateral heart (3-1/2 x 3 x 5/8") and adjacent blood vessels.
    - v. Visceral congestion.
2. Additional findings.
  - a. Obesity (BMI 45.2 kg/m<sup>2</sup>).
  - b. Hypertensive cardiovascular disease.
    - i. Cardiomegaly (495 g) with concentric left ventricular and septal thickening.
    - ii. Mild to moderate myocyte hypertrophy with increased fibrosis.
    - iii. Nephrosclerosis.
  - c. Adrenal adenoma (1.3 cm).
  - d. Minimal coronary atherosclerosis (<20%).

MAR - 7 2023

**POSTMORTEM TOXICOLOGY:** No drugs detected. See separate report for full details. A COPY TESTE \_\_\_\_\_

**CAUSE OF DEATH:** Traumatic asphyxia.

ASSISTANT CHIEF MEDICAL EXAMINER

**Draft Report:**

Final Report: xx4 pages total

**The facts stated herein are true and correct to the best of my knowledge and belief.**

Amendment 03/07/2023

04/21/2021  
Date Signed

OCME Norfolk, VA  
Place of Autopsy  
-1-

Signature of Pathologist  
Nicole Masian, M.D.

AAR 000003C



T-148-21 T2021-88053

CYNTHIA GARY

## GROSS DESCRIPTION

**SKIN:** Normal skin turgor.

**SEROUS CAVITIES:** No adhesions. Left hemothorax (100 mL). The diaphragm is intact. The gallbladder is surgically absent. The remaining organs are in normal anatomic position.

**NECK ORGANS:** Dissection reveals unremarkable musculature and soft tissues in the anterior neck. The larynx and hyoid are intact. The thyroid gland has a normal size and shape.

**HEART:** 495 g (expected heart weight 219-299g, per Zeek's formula). Contusion of the postero-lateral heart wall (right ventricle, septum, and left ventricle, 3-1/2 x 3 x 5/8"). Additional smaller, scattered contusions on the anterior aspect of the ascending aorta, left atrium, and at the apex. The coronary arteries arise normally and have a right dominant posterior circulation. There is minimal atherosclerosis (<20%). The valves are normally formed and measure as follows: tricuspid 12 cm, pulmonic 8.2 cm, mitral 10 cm, and aortic 7 cm. The left ventricular free wall measures 1.8 cm, the right ventricular free wall 0.6 cm, and the interventricular septum 2.1 cm. The foramen ovale is closed. The great vessels arise normally.

**AORTA:** The aorta and its major branches are normally distributed, with no significant atherosclerosis.

**LUNGS:** Left 635 g, right 741 g. The airways are unobstructed. The pleural surfaces are unremarkable and cover red-purple mildly edematous pulmonary parenchyma.

**LIVER:** 2615 g. The liver capsule is smooth and glistening, covering red-purple parenchyma. There is no grossly evident scarring or fatty change. The gallbladder is surgically absent.

**SPLEEN:** 284 g. The splenic capsule is smooth, glistening, and intact. There is unremarkable underlying red-purple parenchyma.

**LYMPH NODES:** No lymphadenopathy is appreciated.

**PANCREAS:** Unremarkable.

**ADRENALS:** Well-defined cortex and medulla. An adrenal adenoma is present (1.3 cm), unclear laterality.

**GI TRACT:** Unremarkable tongue. The esophagus is lined by gray-white smooth mucosa and courses to the stomach without focal lesions. The stomach contains approximately 100 mL thin brown liquid, and has the usual rugal folds. A small amount of yellow chyme is present in the small bowel, and soft brown stool in the large bowel. An unremarkable appendix is identified in the right lower quadrant.

**KIDNEYS:** Left 192 g, right 237 g. Granular cortical surfaces. Several sub-centimeter cortical cysts. Well-circumscribed cortico-medullary junctions. No dilatation of the collecting system or ureters.

**BLADDER:** Contains scant blood-tinged urine. Unremarkable mucosa and wall.

**GENITALIA:** The vulva and vagina show no evidence of trauma. The uterus, cervix, fallopian tubes, and ovaries occupy their usual positions within the pelvis and are unremarkable. The endometrium is proliferative; no myometrial lesions are noted. There is no evidence of current or recent pregnancy.

**BRAIN AND MENINGES:** 1220 g. The leptomeninges are thin and transparent. No epidural, subdural, or subarachnoid hemorrhage. The cerebral hemispheres are symmetric, with normal gyral pattern. Unremarkable cranial nerves, mammillary bodies, and cerebral blood vessels. Normal caliber cerebral ventricles. Sections through the brainstem and cerebellum reveal no lesions.

**MUSCULOSKELETAL:** Multiple rib fractures as previously described. The remaining bony framework, supporting musculature, and soft tissues are grossly unremarkable. The cervical spinal column is stable on internal palpation.

OTHER LAB PROCEDURES:	TOX X	PHOTO X	DENTAL	FINGERPRINTS X	MICRO X	X-RAY	PERKIN-ELMER
HIV	DNA CARD X	PRK	ACCELERANTS	BACTERIOLOGY	VIROLOGY	OTHER:	

## DISPOSITION OF EVIDENCE:

Consult reports - none.

Department of Forensic Science - blood, urine, vitreous.

T-148-21 T2021-88053  
CYNTHIA GARY

MICROSCOPIC DESCRIPTION AND CASE SUMMARY

TISSUE:

DESCRIPTION:

HEART

(Slides 1-2) Contusion. Mild to moderate myocyte hypertrophy. Increased perivascular fibrosis.


CASE SUMMARY AND COMMENT: Cynthia Gary, a 52-year-old woman, reportedly became trapped in a hydraulic door while at work. Responding emergency personnel arrived to find Ms. Gary pulseless and apneic; they initiated resuscitation attempts and transported her to the hospital, where she was pronounced dead in the emergency room.

At autopsy, Ms. Gary was observed to have marked congestion of her face with numerous petechiae on her skin, in her eyes, and in her mouth. She had multiple scrapes and bruises on her torso, as well as multiple rib fractures, bleeding into the left chest cavity, and bruising of the heart muscle. These findings are consistent with traumatic asphyxia.

Ms. Gary also had evidence of underlying hypertensive cardiovascular disease (high blood pressure), minimal atherosclerosis (plaques in arteries), and an incidental benign tumor of her adrenal gland. These natural disease findings did not cause or contribute to her death.

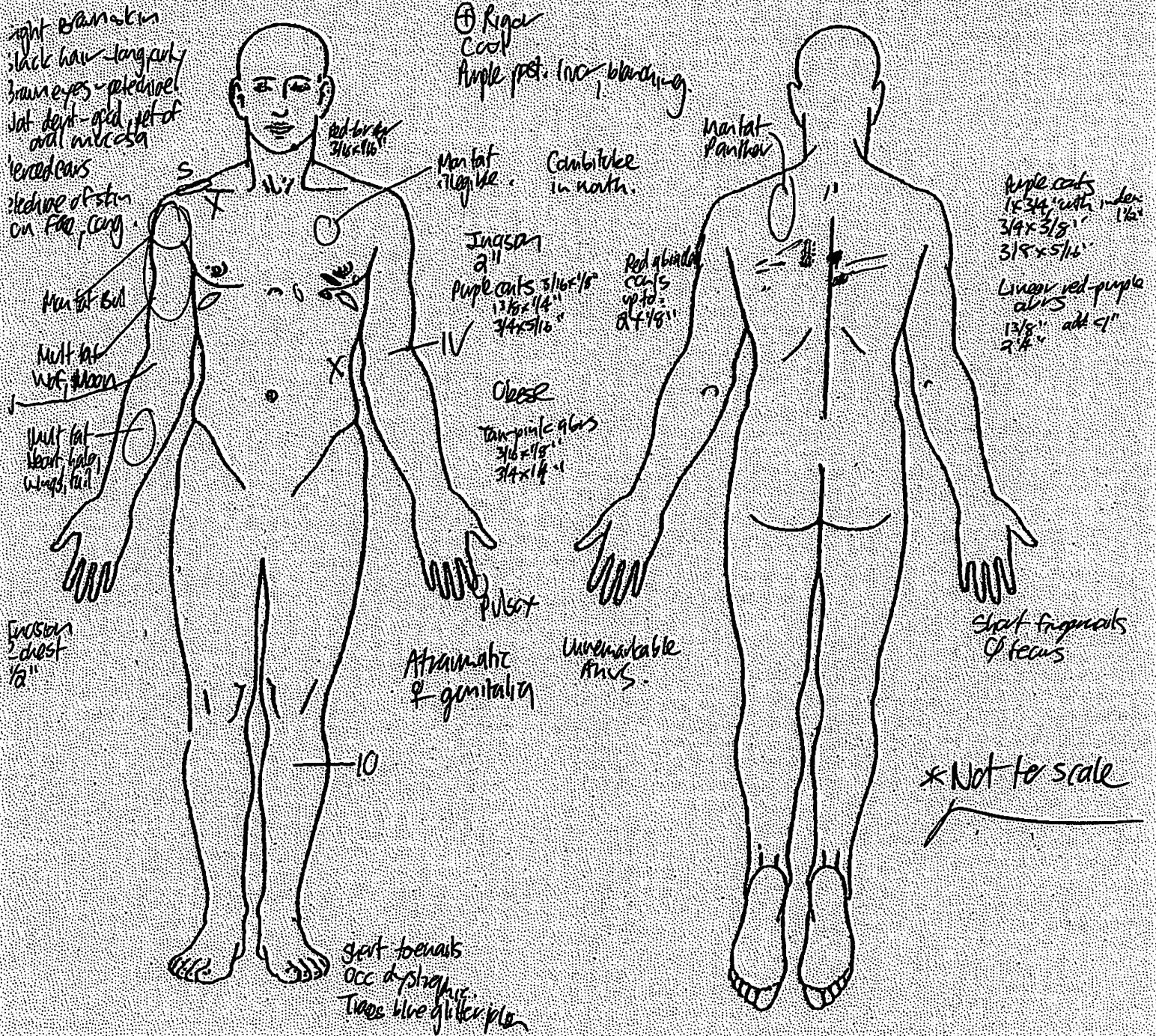
CAUSE OF DEATH: Traumatic asphyxia. The manner of death was accident.

03/07/2023: Page 1 and Page 3 amended for age of decedent.





# BODY DIAGRAM



## DECEDENT:

Name: T-148-21 T2021-88053  
 CYNTHIA GARY  
 Height: 03/16/2021  
 Weight: DR. MASIAN

## MEDICAL EXAMINER:

Name: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Autopsy #: \_\_\_\_\_